



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **16.07.2021**

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THE HONOURABLE MS. JUSTICE V.M.VELUMANI

W.P(MD)No.12061 of 2021

P.Kutty Raja

... Petitioner

Vs.

1.The Tamilnadu State Transport Corporation, (Madurai) Ltd.,
Represented by its Managing Director,
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corpn., (Madurai) Ltd,
Virudhunagar Region,
Virudhunagar.

3.The Administrator,
Tamilnadu State Transport Corporation
Employees Pensions Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai -2.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to settle interest at the rate of 6% per annum the belated payment of petitioners for retirement benefits gratuity, Terminal Leave Salary, Commuted Value of pension and Provident Fund from the date of the petitioner's retirement to till the date on which the said benefits were settled to the petitioner, within a time frame as may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.J.Senthil Kumaraiah

ORDER

Mr.J.Senthil Kumaraiah, learned Standing Counsel takes notice for the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The petitioner's retirement benefits were settled belatedly and in view of such belated settlement, this writ petition has been filed seeking for interest on the belated payment of the terminal benefits.



4. It is brought to the notice of this Court that in an identical case of batch of writ petitions entertained by this Court, directions have been issued to the respondent to pay the interest at the rate of 6% on the belated payment of the terminal benefits. This Court does not intend to deviate from the said procedure.

5. The learned Standing Counsel appearing for the respondent would submit that in view of the financial burden cast on the respondent corporation, they may be permitted to pay the interest on the belated payment in a liberal monthly installments.

6. I am not in agreement with the said representation made. There was already a duty cast on the respondent corporation to pay the terminal benefits on the date of retirement itself and the very fact that the belated disbursement of retirement benefit, would already put the retired employee to serious prejudice. Entertaining the said request for disbursement of the interest on the belated payment in installments, could cause further prejudice to the retired employees.

7. In the light of the above observations, there shall be a direction to the respondents to pay the penal interest at the rate of 6% per annum on the belated payment of the retirement benefits for the period from the date of the retirement till the date of actual disbursement, as expeditiously as possible and in any event, within a period of four months from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note:(i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Managing Director
The Tamilnadu State Transport Corporation, (Madurai) Ltd.,
Madurai.

2.The Administrator,
Tamilnadu State Transport Corporation
Employees Pensions Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai -2.

+1 CC to MR.A.RAHUL, Advocate (SR-23168[F] dated 19/07/2021)
W.P (MD) No.12061 of 2021
16.07.2021

MGJ(27.07.2021) 3P 4C